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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,712	07/03/2003	Yoshifumi Kato	5000-5112	5007

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EXAMINER	
VU, PHU	

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,712	KATO ET AL.	
	Examiner	Art Unit	
	Phu Vu	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/3/2003
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim US Pub. No 2003/0067266. Regarding claims 1 and 8, Kim discloses a light system comprising a substrate (figure 4 elemnt 100); a light-emitting element located on the substrate(figures 4 & 5, element 128), wherein the light emitting element has a first surface and a second surface, wherein the first and second surfaces are on opposite sides of the light emitting element, wherein the second surface faces the substrate, and wherein the light emitting element contains an electroluminescent material (see [0051]). Kim also discloses a first electrode (element 126) located on the first surface (element 124), a second electrode (element 136) located on the first surface, wherein, when a voltage is applied across the first electrode and second electrode, the entire light emitting element emits light. Kim also discloses a passivation film (element 138) located on the first electrode that covers the entire surface of the first electrode that faces away from the light emitting element. Kim does not disclose the first electrode is of a light transmittance type, however since a voltage applied across the first and

second electrode causes light-emission by the electroluminescent layer this is considered inherent to the reference. Kim also does not disclose the passivation film is of the light transmittance type and a light outputting surface located on the passivation film, wherein light emitted by the light emitting element is outputted from the light outputting surface, however since light is emitted through the passivation film (see figure 4 "light emitting direction" and "observer") than these limitations are also considered inherent to the reference.

Further regarding claim 8, the reference also discloses a display using these this device (see abstract), therefore displaying an image using light outputted from the light-emitting surface is considered inherent to the reference.

Regarding claims 2 and 11, this claim introduces a product by process limitation. Claims 2 and 11, introduce no new structural limitations and the patentability is determined on the product itself. See MPEP 2113[R-1]

2113 [R-1] Product-by-Process Claims
PRODUCT-BY-PROCESS CLAIMS ARE NOT LIMITED TO THE MANIPULATIONS OF THE RECITED STEPS, ONLY THE STRUCTURE IMPLIED BY THE STEPS

"[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process."

Regarding claims 3 and 14, the reference also discloses a reflecting portion, wherein the reflecting portion (figure 5 element 126a) portion faces the second surface and reflects light that reaches the second portion.

Regarding claims 4 and 15, the reference also discloses a second electrode functioning as the reflecting portion (see figure 5, element 126).

Regarding claims 5 and 16, the reference also discloses an organic electroluminescent layer (see abstract).

Regarding claim 7 and 18, the reference also discloses a passivation film made of silicon nitride, or silicon oxide (see [0053]).

Regarding claims 12 and 13, since no layer on top of the passivation film is disclosed and a display device is disclosed a display unit located on or brought into intimate contact with the passivation film is inherent to the reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No 2003/0067266 as applied to claim 8 above, further in view of Sadeg US Patent No 5,828,427. Regarding claim 10 discloses a display of transmissive mode (see figure 5). Kim discloses all the limitations of the claim except a plurality of liquid crystal elements. Sadeg discloses use of an electroluminescent layer (column 35 lines

45-50) in a device with a liquid crystal panel (see abstract) to reduce power consumption (column 2 lines 59-64). A plurality of liquid crystal elements is inherent to a liquid crystal panel. Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to combine an electroluminescent lighting element with a liquid crystal display with a plurality of liquid crystal elements operating in transmissive mode in order to reduce power consumption.

Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim US Pub. No 2003/0067266. Kim discloses all the limitations of the claim except an electroluminescent material composed of an inorganic material. However, it is conventional in the art to use electroluminescent materials composed of inorganic materials. There are associated benefits of conventionality such as proven effectiveness, steady supply chains, and reduced costs. Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to use inorganic electroluminescent materials.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu Vu whose telephone number is (571)-272-1562. The examiner can normally be reached on 8AM-5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571)-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu Vu
Examiner
AU 2871.

KENNETH PARKER
PRIMARY EXAMINER